IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : Crl. Revn. No.1664 of 2007
Date of Decision : October 08, 2007.

Jagdish @ Disha .... Petitioner

Vs.

State of Haryana .... Respondent

CORAM : HON'BLE MR. JUSTICE L. N. MITTAL

* * *

Present : Mr.L.S.Sandhu, Advocate
for the petitioner.

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L.N.MITTAL, J. (Oral) :

Petitioner Jagdish @ Disha stands convicted vide judgment dated 02.11.2004 of learned Judicial Magistrate Ist Class, Dabwali under Sections 324 and 326 IPC and sentenced vide order dated 03.11.2004 to undergo rigorous imprisonment for one year and to pay fine of Rs.2,000/- for offence under Section 326 IPC and to undergo rigorous imprisonment for six months and to pay fine of Rs.1,000/- for offence under Section 324 IPC and both the substantive sentences were ordered to run concurrently. Appeal preferred by the petitioner stands dismissed vide judgment dated 03.08.2007 of learned Sessions Judge, Sirsa.

There being concurrent finding of fact regarding guilt of the petitioner, no meaningful argument could be advanced by the learned counsel for the petitioner against conviction of the petitioner. Learned counsel for the petitioner, however, contended that the sentence imposed on

the petitioner be reduced. I have carefully considered the matter. Perusal of impugned judgment of learned Sessions Judge reveals that the injured suffered fracture of right parietal bone at the hands of the petitioner. Thus, the grievous hurt falling under Section 326 IPC was caused with sharp weapon on a vital part of the injured. Offence under Section 326 IPC is punishable with imprisonment for life or with imprisonment for a term which may extend to ten years besides fine. In the instant case, the petitioner has been awarded imprisonment for one year only for offence under Section 326 IPC. Since grievous hurt was caused on vital part with sharp edged weapon, no reduction in sentence is warranted in the instant case.

In view of the aforesaid, the instant revision petition is dismissed.

October 08, 2007 **(L.N.MITTAL)**
monika **JUDGE**